

FARAD CONTINUATION SHEET.**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****NAGPUR BENCH : NAGPUR.****WRIT PETITION NO.3378/2005****Kazi Sayyad Gyasuddin s/o Kazi Sayyad Azizuddin****...Versus...****Panchfulabai wd/o Ramdas Wanare and others**

Office Notes, office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's order.

Court's or Judge's order

CORAM: B.P. DHARMADHIKARI, J.
DATED : 21.12.2005.

1. Heard Advocate Shri Chandurkar for petitioner and Advocate Shri Mardikar for respondent nos.1 to 3. Learned A.G.P. appears for respondent no.4.
2. Grievance made by Advocate Shri Chandurkar is that the orders which have been maintained right up to the Hon'ble Apex Court and the subsequent orders passed in Civil Suit maintained right up to this Court are being defeated by respondent nos.1 to 3 by filing such proceedings. He contends that the revenue authorities are also not giving adequate importance to the earlier

judicial orders passed in this respect. He states that revision filed by respondent no.4 was not maintainable. Advocate Shri Mardikar on the other hand states that said revision is already disposed of and matter is already remanded back to the Tahsildar. Learned A.G.P. states that the parties are agitating their grievances and the revenue authorities are trying their best to resolve the controversy in accordance with law. He states that the argument that adequate importance is not being given to judicial orders in this respect is unwarranted. By the order dated 31.5.2004 passed by respondent-Collector in appeal filed by present respondent nos.1 to 3, the matter was remanded back to Tahsildar for completing inquiry within fifteen days. Respondents were aggrieved by this stipulation of period of fifteen days only and therefore they approached Commissioner in revision. It is informed that the Commissioner has remanded the matter back to Tahsildar for its trial on merits in accordance with law by removing the said time limit of fifteen days.

3. In such circumstances, it is not possible for this Court to infer that the revenue authorities are not

serious about the court's orders passed earlier in this respect. However, considering the position that the matters are pending since long and petitioners have succeeded right up to the Hon'ble Apex Court earlier and thereafter up to this Court, the proceedings before Tahsildar are expedited. The Tahsildar is directed to decide the proceedings finally as early as possible and in any case within a period of three months from the date of communication of this order to him.

4. In view of this direction to Tahsildar, it is not necessary for this Court to examine the grievance made in Writ Petition on merits. Hence, the said grievance as also the defence in that respect is not considered on merits by this Court. Parties to appear before Tahsildar on 4.1.2006.

5. Writ Petition is accordingly disposed of. No costs.

JUDGE